

Assembly Constitutional Amendment

No. 11

Introduced by Assembly Member Bill Berryhill

February 26, 2009

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 32 to Article I thereof, relating to hunting and taking game.

LEGISLATIVE COUNSEL'S DIGEST

ACA 11, as introduced, Bill Berryhill. Hunting and taking game.

The California Constitution authorizes the Legislature to delegate to the Fish and Game Commission powers relating to the protection and propagation of fish and game. Existing statutory law delegates to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles in accordance with prescribed laws. Under existing law, the Department of Fish and Game exercises various functions with regard to the taking of fish and game.

This measure would establish the right to hunt and take game in the state.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring,* That the
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California, that the Constitution of the
6 State be amended as follows:

1 That Section 32 is added to Article I thereof, to read:

2 SEC. 32. (a) The people have the right to hunt and take game
3 in the State, subject to the other provisions of this section. Neither
4 the Legislature nor the Fish and Game Commission shall impose
5 an absolute prohibition on the right to hunt or take game.

6 (b) The State shall encourage public and private facilities that
7 provide the public with the opportunity to learn and practice safe
8 hunting and shooting skills.

9 (c) This section does not authorize an individual to unlawfully
10 enter upon private property for the purpose of hunting or to taking
11 game.

12 (d) This section does not authorize an individual to hunt or take
13 a species protected by federal or state law.

14 (e) This section does not prohibit the Legislature or the Fish
15 and Game Commission in accordance with Section 20 of Article
16 IV from imposing conditions necessary for the protection and
17 propagation of game.